

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

DAVIES ENTERPRISES, LLC,	§	
CRUISING KITCHENS, LLC, CAMERON	§	
DAVIES, and MARY K. DAVIES,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	SA-23-CV-1527-JKP (HJB)
	§	
BLUE SKY BANK and MARK C. TAYLOR,	§	
	§	
Defendants.	§	

ORDER

Before the Court are Plaintiffs’ Opposed Motion for Leave to Join Party (Docket Entry 7) and Plaintiffs’ Opposed Motion for Leave to Refile First Amended Complaint and Motion to Remand (Docket Entry 14). Pretrial and scheduling matters in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b). (*See* Docket Entry 3.)

The Court heard argument on the above motions on March 6, 2024. In accordance with the Court’s rulings at the hearing, it is hereby **ORDERED** as follows:

- (1) Plaintiffs’ Opposed Motion for Leave to Join Party (Docket Entry 7) is **DENIED WITHOUT PREJUDICE**. For the reasons stated at the hearing, the Court finds that joinder of Erik White as a Defendant is currently unsupported by the factors set out in *Hensgen v. Deere & Co.*, 833 F.2d 1179 (5th Cir. 1987). This ruling is subject to reconsideration, however, should discovery or other subsequent developments reveal that “plaintiff will be significantly injured if amendment is not allowed.” *Id.* at 1182.
- (2) Plaintiffs’ Opposed Motion for Leave to Refile First Amended Complaint and Motion to Remand (Docket Entry 14) is **GRANTED**, as follows:

(a) Plaintiffs must refile their amended complaint **on or before March 13, 2024**.

(b) Plaintiffs may refile their motion to remand **on or before March 20, 2024**.

(3) The Court will set this case for an initial pretrial conference on **April 30, 2024**. The time and place of the conference will be set by separate order.

SIGNED on March 7, 2024.

A handwritten signature in black ink, appearing to read "Henry J. Bemporad", written in a cursive style.

Henry J. Bemporad
United States Magistrate Judge